

Department of Permits and Development Management
111 West Chesapeake Avenue
Towson, Maryland 21204
Baltimore County, Maryland

In the Matter of

Civil Citation No. 64211

Craig Sigismondi
Dianna Sigismondi

9905 Old Court Road

Respondents

FINDINGS OF FACT AND CONCLUSIONS OF LAW
FINAL ORDER OF THE CODE ENFORCEMENT HEARING OFFICER

This matter came before the Baltimore County Code Enforcement Hearing Officer on November 4, 2009 for a Hearing on a citation for violations under the International Residential Code (IRC) section R105, required permits, failure to construct as permitted; section R106.4, amended construction documents, nothing submitted for change in construction; section 109.4, approval required, non-compliance with scope of permit and zoning on residential property known as 9905 Old Court Road, 21163.

On September 30, 2009, pursuant to Baltimore County Code §3-6-205, Inspector Bob Peters issued a Code Enforcement & Inspections Citation. The citation was sent to the Respondent by 1st class mail to the last known address listed in the Maryland State Tax Assessment files.

The citation proposed a civil penalty of \$2,800.00 (two thousand eight hundred dollars).

The Respondent failed to request a Code Enforcement Hearing and/or failed to appear after requesting a Hearing. Baltimore County Code, § 3-6-205(d) provides that in case of failure to request a Code Enforcement Hearing or if the violator (Respondent) fails to appear after requesting a Hearing then the citation and the civil penalty, shall be the Final Order of the Code Official not subject to appeal.

After proper consideration of all the evidence and testimony presented, the Hearing Officer finds:

A. A Correction Notice was issued on July 6, 2009 for failure to construct project as permitted; for amended construction documents to be submitted; and for noncompliance with scope of permit and zoning. A Citation was issued on July 21, 2009 for failure to construct according to permit; failure to submit amended construction documents; and noncompliance with scope of permits and zoning. Notes in the file state that this Citation was not enforced because the property owner was being given time to file a request for an administrative variance from the Zoning Commissioner to resolve the violation. This Citation was issued on September 30, 2009.

B. Respondents failed to appear for this Hearing.

C. A Building Permit, #B714056, was issued on March 27, 2009 for construction of "two car garage – 30' X30'X16' =900SF, attached to SFD by breezeway – 25'X3' =75SF, on side of SFD. This permit cancels & repls B71532-CHGE in const & wording & site pls. Const pls on site per YAP." The number "B713532" is written in by hand, indicating that a typographical error was made in listing the canceled permit number. Also in the file is the property owner's application for the canceled permit B713532, dated 3/18/09, which proposes "construct detached two car garage" and does not mention a breezeway.

D. Photographs in the file show a new two-car garage, set a significant distance away from the house. Notes in the file state that the detached garage lacks a breezeway connecting it to the house, and also state that the garage height exceeds the permitted stand-alone height for an accessory building.

E. Notes in the file show that Respondents have failed to file any request for a revised permit or a zoning variance. Respondents have constructed a structure that does not conform to the limits and requirements of their building permit. Respondents must either revise the structure to conform to the permit, or obtain a revised permit. Because compliance is the goal of code enforcement, the civil penalty for this code violation will be substantially reduced if the violation is corrected within the time provided below.

IT IS ORDERED by the Code Enforcement Hearing Officer that a civil penalty be imposed in the amount of \$2,800.00 (two thousand eight hundred dollars).

IT IS FURTHER ORDERED that the civil penalty will be REDUCED to \$200.00 (two hundred dollars) if Respondents file appropriate application for a zoning variance or for a revised building permit no later than November 23, 2009, AND if the violation is corrected by January 11, 2010 either by revising the constructed structure to conform to the issued permit or by obtaining a revised permit.

IT IS FURTHER ORDERED that if not paid within thirty days of billing, the civil penalty as authorized above shall be imposed as a lien upon the property.

IT IS FURTHER ORDERED that the County inspect the property to determine whether the violations have been corrected.

ORDERED this 9th day of November 2009.

Signed: ORIGINAL SIGNED
Margaret Z. Ferguson
Baltimore County Hearing Officer